

REMARKS

Reconsideration and withdrawal of all grounds of rejection, and allowance of the pending claims are respectfully requested in light of the amendments and remarks made herein. Independent claims 1, 19 and 20 have been amended. No new matter has been added. Support for these amendments can be found in the specification at least on page 9, lines 6-8 and page 4, lines 1-7.

Claims 1-11 and 13-20 stand rejected under 35 USC 103(a) as being unpatentable over Van Stam (WO 01/46843) in view of Marsh (US PG Pub. No. 2004/0003403).

Applicants respectfully submit that neither Van Stam nor Marsh, alone or in combination, teaches the limitation of “a processor for determining if a communication with a second user terminal is possible, *wherein the processor scans a frequency band of the network to detect if other user terminals are within range*” as recited in amended independent claims 1 and 20.

Further, Independent claims 1, 19 and 20 have been amended to recite the limitation of a transmitter to transmit the recommendation to a third user terminal that *cannot use the community preference information to generate a recommendation*.

Although both Van Stam and Waston teach transmitting data between a user terminal and a server/other user terminal, they do not teach transmitting the recommendation to a third user terminal that *cannot use the community preference information to generate a recommendation*, as claimed. Independent claims 19-20 recite similar limitations.

Applicants further submit that Marsh on page 10 paragraph [0156] fails to teach the above limitation. This section teaches:

[0156] This can be advantageous from the standpoint of being able to abstract a specific piece of media content into an entity (i.e. the content folder) that represents not only the content itself, but a potentially rich user experience made possible by the inclusion of the various types of metadata with the content. Having an abstracted entity that contains not only the content, but the associated metadata as well can be employed in the context of peer-to-peer exchanges. For example, if a user wishes to provide a piece of content to a friend, then they can simply send them the abstracted entity that includes not only the content, but all of the supporting metadata files as well.

Thus, Marsh only teaches transmitting/abstracting data to an entity (i.e. the content folder) and that this data includes not only the media content but also metadata with the content. Applicants can find nothing therein that teaches transmitting a recommendation to a third user terminal that cannot use the community preference information to generate a recommendation, as claimed. Moreover, the Final Office Action seems to equate the media content and metadata of Marsh with a recommendation, even assuming that is an appropriate assumption; the Final Office fails to show that Marsh teaches that the receiving entity/terminal *cannot use the community*

preference information to generate a recommendation. In fact, Marsh teaches away from the present invention, in that, Marsh clearly teaches that the second user terminal is capable of using the metadata files sent to it in the peer to peer exchange.

Since Van Stam and Marsh, alone or in combination, fail to teach all of the limitations of independent claims 1 and 19-20, they cannot make obvious the present invention. For at least the above cited reasons, Applicants submit that Claims 1 and 19-20 are patentable over Van Stam and March.

With regard to claims 2-11 and 13-18 these claims depend from the independent claim 1 discussed above, which has been shown to be allowable in view of the cited reference. Accordingly, each of claims 2-11 and 13-18 are also allowable by virtue of its dependence from an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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